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AP/101/2020
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

SAHA BUILDING CENTRE PVT LTD
VS
THE UNION OF INDIA

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 6th January, 2025.

Appearance:
Mr. Shiv Shankar Banerjee, Adv.
Mr. Santanu Chatterjee, Adv.
Ms. Divya Chatterjee, Adv.
Mr. Rajendra Kr. Nandi, Adv.
Mr. Srijan Chakravorty, Adv.
Mr. Swarhak Sarkar, Adv.
. . .for the petitioners.

Mr. Rabi Prosad Mookerjee, Adv.
Ms. Rini Bhattacharjya, Adv.
. . .for the U.O.I.

The Court: The matter has been listed before this Court pursuant to the direction of the Hon'ble Apex Court in Special Leave Petition (Civil) No. 2240 of 2021 dated December 4, 2024. By an order dated January 7, 2021 the High Court had rejected the application filed by M/s. Saha Building Centre Pvt. Ltd. under Section 11(6) of the Arbitration and Conciliation Act, 1994 seeking appointment of an Arbitrator. On January 21, 2020, the Chief Engineer appointed one Shri Rajesh Banga, as the Arbitrator in terms of Clause 25 of the subject agreement. The contention of the M/s. Saha Building Centre Pvt. Ltd. before the Hon'ble Apex Court was that the appointment of Shri Banga was not complete when the order dated January 7, 2021 had been passed by the High

Court. Thus, the rejection of the application filed under Section 11(6) of the Arbitration and Conciliation Act was contrary to the provisions of law.

The Hon'ble Apex Court upon considering the decision in Central Organisation for Railway Electrification vs. M/s. ECI SPIC SMO MCML (JV) a Joint Venture Company, 2024 INSC 857, held that an official of the Ministry of Housing and Urban Affairs could not have been appointed the Arbitrator. Accordingly, the order dated January 7, 2021 was set aside by the Hon'ble Apex Court by allowing the application being AP No.101 of 2020 which was filed by M/s. Saha Building Centre Pvt. Ltd. seeking appointment of an Arbitrator.

The Hon'ble Apex Court, however, directed that the matter should be listed before this court only for the purpose of naming the learned Arbitrator. The matter is listed and the parties have entered appearance before this Court.

Under such circumstances, the Court appoints Mr. Ranjay De, learned senior Advocate [Mob. No. 9831028505] as the Arbitrator, to arbitrate upon the dispute. This order is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996.

The learned Arbitrator shall fix his own remuneration as per the provisions of the Arbitration and Conciliation Act.

AP/101/2024 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)

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